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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Patrick J. Conroy, the Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Loving God, we give You thanks for giving us another day. We thank You for Your ongoing presence and sustaining grace in us all and Your concern for our Nation.

Continue to bless and inspire the men and women who serve in the Senate. May they be encouraged by any movement that has occurred and may the hopes and prayers of the American people, and indeed the world, for healthy and productive legislation be met with results inspired by Your Spirit.

Forgive our failures, our lack of faith. May the good intentions of all acting in this Chamber be rewarded by solutions to our struggles that benefit our Nation.

May all that is done be for Your greater honor and glory. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FEDERAL WATER QUALITY PROTECTION BILL

Mr. MCCONNELL. Mr. President, two Federal courts have already found that the Obama administration's plan to regulate the land around nearly every pothole and ditch is illegal. It is hardly a surprise. The administration's so-called waters of the United States regulation is a cynical and overbearing power grab dressed awkwardly as some clean water measure. It is not. Many argue it actually violates the Clean Water Act.

The true aim of this massive regulatory overreach is pretty clear. After all, if you are looking for an excuse to extend the reach of the Federal bureaucracy as widely and intrusively as possible, why not just issue a regulation giving bureaucrats dominion over land that has touched a pothole or a ditch or a puddle at some point? That would seem to be pretty much everything, and that is why the waters of the United States regulation is so worrying. It would force Americans who live near potholes and ditches and puddles to ask bureaucrats for permission

to do just about anything on their own property.

Want to spray some weeds? Fill out a permit. Want to put a small pond in your back yard? Ask Uncle Sam. Want to build a barn or just about anything else on the land you own? Good luck getting approval from the Feds on that.

One court said that this regulation was so ridiculous it had to be the result "of a process that is inexplicable, arbitrary, and devoid of a reasoned process." That sounds about right. It certainly wasn't a process that appropriately involved the untold number of stakeholders sure to be affected by such a wide-ranging regulation. Let me read you something I received from a constituent in West Liberty, KY. Here is what he wrote:

I'm disappointed [that] small businesses like mine were not considered in this rule making process. Government regulations, like the proposed rule, are complicated, expensive to navigate and a real obstacle to growing my business. This change, and its ridiculous overreach and restrictions could decrease land value and hinder my ability to expand, develop and use my own private land.

"Please," he said, "support S. 1140, the Federal Water Quality Protection Act."

I have good news for this Kentuckian and for the many Americans who feel the same way. I do support the Federal Water Quality Protection Act. I actually worked with Senator BARRASSO to introduce it and will take a vote to move the bipartisan bill forward this afternoon.

A bipartisan majority of the Senate supports the Federal Water Quality Protection Act. What it says is pretty simple. If the administration is actually serious about protecting waterways and not just cynically using this regulation as a ploy to extend the bureaucracy's reach, then it should follow the proper process to get to a balanced outcome. It should appropriately consult with the Americans who would be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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